

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 07-2004)TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

66434-015

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/510496**

INTERNATIONAL APPLICATION NO.

**PCT/IB2003/001788**

INTERNATIONAL FILING DATE

**7 May 2003**

PRIORITY DATE CLAIMED

**7 May 2002**

TITLE OF INVENTION

**ADJUSTABLE HEATER FOR AQUARIA**

APPLICANT(S) FOR DO/EO/US

**Samuele LOLATO**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☒ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 23 below concern document(s) or information included:**

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☒ Other items or information:

**WO 2003/094609****Change of Correspondence Address****Verified Statement (Declaration) Claiming Small Entity**

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <b>10/510496</b>		INTERNATIONAL APPLICATION NO. <b>PCT/IB2003/001788</b>		ATTORNEY'S DOCKET NUMBER <b>66434-015</b>	
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24. The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)) :</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$1110.00</b></li> <li><input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$950.00</b></li> <li><input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$790.00</b></li> <li><input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$750.00</b></li> <li><input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b></li> </ul>				<b>CALCULATIONS PTO USE ONLY</b>	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>\$930.00</b>	
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				<b>\$0.00</b>	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	16 - 20 =	0	x \$18.00	<b>\$0.00</b>	
Independent claims	1 - 3 =	0	x \$88.00	<b>\$0.00</b>	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>				<b>\$0.00</b>	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$930.00</b>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				<b>\$465.00</b>	
<b>SUBTOTAL =</b>				<b>\$465.00</b>	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				<b>\$0.00</b>	
<b>TOTAL NATIONAL FEE =</b>				<b>\$465.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>				<b>\$0.00</b>	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$465.00</b>	
				Amount to be refunded	\$
				charged	\$

a. ☐ A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 04-2223 in the amount of \$465.00 to cover the above fees.

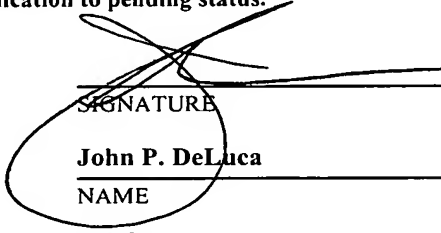
c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-2223

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer Number: 25269

  
 SIGNATURE  
**John P. DeLuca**  
 NAME  
25,505  
 REGISTRATION NUMBER  
**October 7, 2004**  
 DATE

FILE COPY

DYKEMA GOSSETT PLLC

Third Floor West, Franklin Square  
1300 I Street, NW  
Washington, DC 20005-3306

THE PATENT AND TRADEMARK OFFICE OFFICIAL FILING DATE STAMP HEREON IS  
ACKNOWLEDGMENT OF FILING:

1. TRANSMITTAL LETTER TO THE UNITED STATES
2. PRELIMINARY AMENDMENT
3. CHANGE OF CORRESPONDENCE ADDRESS
4. DECLARATION AND POWER OF ATTORNEY
5. VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
6. INFORMATION DISCLOSURE STATEMENT W/FORM PTO-1449 - 4 REFS.
7. COPY OF WO 2003/094609
8. INTERNATIONAL SEARCH REPORT AND INT'L PRELIMINARY  
EXAMINATION REPORT

TITLE- ADJUSTABLE HEATER FOR AQUARIA

INVENTOR: Samuele LOLATO

Serial No. Unassigned

Based on Int'l Appln. No. PCT/IB2003/001788

CLIENT REF.: IN120US

DOCKET No. 66434-015

DATE FILED October 7, 2004

DATE DUE: November 7, 2004

10/510496

PTO/SB/122 (06-03)

Approved for use through 11/30/2005, OMB 0651-0035

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**CHANGE OF  
CORRESPONDENCE ADDRESS****Application**

Address to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Application Number

0705 Rec'd PTO 07 OCT 2004

Filing Date

October 7, 2004

First Named Inventor

Samuele LOLATO

Art Unit

UNASSIGNED

Examiner Name

UNASSIGNED

Attorney Docket Number

66434-015

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I am the :



Applicant/Inventor.



Assignee of record of the entire interest.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).



Attorney or Agent of record. Registration Number

25,505



Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number

Typed or Printed  
Name

John P. DeLuca

Signature

Date

October 7, 2004

Telephone

(202) 906-8600

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.



\*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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